
30th NOVEMBER, 1804.

Read the first and second time, and ordered to be committed to a Committee of the whole House on Monday next.

A B I L L,

For the more effectual preservation of peace in the ports, and harbors of the United States, and in the waters under their jurisdiction.

1 **Be it enacted**, by the Senate and House of Representatives
2 of the United States of America, in Congress assembled, That
3 whensoever any treason, felony, misprision of treason, or of fe-
4 lony, misdemeanor, breach of the peace, or of the revenue laws
5 of the United States, shall hereafter be committed within the ju-
6 risdiction of the United States, and the case shall be cognizable by,
7 or under their authority, if the person committing the same, shall
8 be on board of any foreign armed vessel, in any port or harbor of
9 the United States, or in the waters within their jurisdiction, it
10 shall be the duty of any judge or justice of any court of the Unit-
11 ed States, upon satisfactory proof thereof to him made, to issue

12 his warrant specifying the nature of the offence, and directed to
 13 a marshal, commanding him to take the body of the offender,
 14 and bring him before the said judge or justice, to be dealt with ac-
 15 cording to law. And if the said marshal shall deem the ordi-
 16 nary *posse comitatus* insufficient to ensure the execution of the said
 17 warrant, he shall apply to the said judge or justice, who shall im-
 18 mediately issue his order, directed to any officer having command
 19 of militia, or any officer having command of regular troops or
 20 of armed vessels of the United States, in the vicinity, requiring
 21 him to aid the said marshal with all the force under his com-
 22 mand, or such part as may be necessary, in executing the war-
 23 rant aforesaid. And the said marshal, conforming himself in all
 24 things to the instructions which he shall receive from the Presi-
 25 dent of the United States, or from any other person authorised
 26 by the President, shall first demand the surrender of the person
 27 charged with the offence; and if delivery be not made, or if the
 28 marshal be obstructed from making the demand, he shall use all
 29 the means in his power by force and arms, to arrest the offender,
 30 and all others who are with him, giving him aid and countenance
 31 in evading the arrest, and he shall convey the said offender, and all
 32 others arrested as aforesaid, and deliver them to the civil authority,
 33 to be dealt with according to law. If death ensue to the person
 34 ordered to be arrested, or to any of those giving him aid and coun-
 35 tenance, it shall be justified, but if to the marshal, or to any of
 36 those supporting him in the discharge of his duty, the person

37 engaged in resisting the civil authority shall be punished as in
38 cases of felonious homicide.

1 Sec. 2 *And be it further enacted*, That whensoever any felony, mis-
2 prision of felony, misdemeanor, or breach of the peace shall be com-
3 mitted within the body of a county in any one of the United States,
4 and any process of law shall be issued under the authority of the
5 state, for the purpose of arresting the offender ; if the said offender
6 shall be on board of any foreign armed vessel in any port or harbor
7 of the United States, or in the waters within the jurisdiction of
8 the United States, it shall be lawful for any judge or justice of a
9 state court, or other any mayor, or chief officer of any city or town,
10 to whom application may be made, whenever he shall deem the
11 ordinary *posse comitatus* insufficient to secure the execution of
12 the said process, to issue his order directed to any officer having
13 command of militia, or to any officer having command of regular
14 troops, or armed vessels of the United States in the vicinity,
15 requiring him to aid the officer charged with the execution of
16 the process, with all the force under his command, or such part
17 thereof as may be necessary, in arresting the offender, and all
18 those giving him aid or countenance, in resisting the civil authority.
19 And if in making the arrest, the person intended to be arrested,
20 or any of those giving him aid, shall be killed in a place not within
21 the body of a county, but within the jurisdiction of the United
22 States, it shall be justified ; but if any of those concerned in
23 making the arrest, be killed in a place not within the body of

24 a county, but within the jurisdiction of the United States, those
25 engaged in resisting the civil authority, shall be punished as in
26 cases of felonious homicide.

1 SEC. 3. *And be it further enacted*, That if any commanding
2 officer of militia, of regular troops, or armed vessels of the Uni-
3 ted States, shall refuse to obey the requisition authorised by the
4 two first sections of this act, he shall forfeit a sum not exceeding
5 dollars. And in order to prevent insults to the au-
6 thority of the laws, whereby the peace of the United States
7 with foreign nations may be endangered, *Be it further enacted*,
8 That it shall be lawful for the President of the United States,
9 either to permit or interdict at pleasure, the entrance of the har-
10 bors and waters under the jurisdiction of the United States, to
11 all armed vessels, belonging to any foreign nation, and by force
12 to repel and remove them from the same, except when they shall
13 be forced in by distress, by the dangers of the sea, by being
14 pursued by an enemy, or when charged with dispatches or busi-
15 ness from the government to which they belong; in which cases,
16 as well as in all others when they shall be permitted to enter,
17 the commanding officers shall immediately report his vessel to the
18 collector of the district, stating the object or causes of his enter-
19 ing the harbor or waters, shall take such position therein, as shall
20 be assigned him by such collector, and shall conform himself, his
21 vessel and crew, to such regulations, respecting health, repairs,
22 supplies, stay, intercourse and departure, as shall be signified to

23 him by the said collector, under the authority and directions of
24 the President of the United States, and not conforming thereto,
25 shall be required to depart from the United States.

1 SEC. 4. *And be it further enacted*, That whensoever any armed
2 vessel of a foreign nation, entering the harbors or waters within
3 the jurisdiction of the United States, and required to depart there-
4 from, shall fail so to do, it shall be lawful for the President of the
5 United States, or such other person as he shall have empowered
6 for that purpose, to employ such part of the land and naval forces
7 of the United States, or the militia thereof, as he shall deem neces-
8 sary, to compel the said armed vessel to depart; or if he shall think
9 proper, it shall be lawful for him to forbid by proclamation, all
10 intercourse with such vessel, and with every armed vessel
11 of the same nation, and the officers and crew thereof; to pro-
12 hibit all supplies and aid from being furnished them, and also
13 to instruct the collector of the district, where such armed vessel
14 shall be, and of any and of every other district of the United States,
15 to refuse permission to any vessel belonging to the same nation,
16 or to its citizens or subjects, to make entry or unlade, so long as
17 the said armed vessel shall remain in the harbors or waters of the
18 United States, in defiance of the public authority. And if after
19 publication of the said proclamation, and due notice thereof, any
20 person shall afford any aid to such armed vessel, or to any other,
21 contrary to the prohibition contained in the said proclamation,
22 either in repairing the said vessel, or in furnishing her, her offi-

23 sers or crew, with supplies of any kind, or in any other manner
 24 whatsoever, or if any pilot shall assist in navigating the said
 25 armed vessel, or any other, contrary to the prohibition contained
 26 in the said proclamation, unless it be for the purpose of carrying
 27 the armed vessel required to depart as aforesaid, beyond the limits
 28 and jurisdiction of the United States, the person or persons so
 29 offending, shall forfeit and pay a sum not exceeding
 30 dollars, and shall also be liable to be bound to their good beha-
 31 viour.

1 SEC. 5. *And be it further enacted*, That whensoever any officer
 2 of an armed vessel commissioned by any foreign power, shall
 3 offend against this act, or shall on the high seas or elsewhere,
 4 have committed any trespass on any citizen or vessel of the Unit-
 5 ed States, spoliation of their property, or vexation of trading ves-
 6 sels coming to or going from the United States, it shall be law-
 7 ful for the President of the United States, on due proof of
 8 the facts, by proclamation, to interdict forever the entrance of
 9 the said officer within the limits of the United States; and if he be
 10 found therein thereafter, he shall be liable to be arrested, and
 11 punished by fine and imprisonment, in any court in the United
 12 States having competent jurisdiction, both for the offence with
 13 which he was originally charged, and also for having entered
 14 within the limits of the United States, after having been interdict-
 15 ed, and shall likewise be transported to such place, belonging to
 16 the power by whom he was commissioned, as the court shall de-

17 termine, and so as often as he shall be found within the limits of
18 the United States, after having been interdicted as aforesaid.

1 SEC. 6. *And be it further enacted*, That the President of the
2 United States shall be, and he is hereby authorised and required,
3 to give as soon as may be, after the passage of this act, to the col-
4 lectors of the respective districts, and to such other persons as he
5 may think proper, the necessary instructions for carrying this act
6 into effect, particularly marking out the line of conduct to be ob-
7 served by the marshal, and the several collectors in perform-
8 ing the duties enjoined by this act.

1 SEC. 7. *And be it further enacted*, That it shall and may
2 be lawful for the courts of the respective states, to take cog-
3 nizance of all offences created by or that may be prosecuted for,
4 under this act, in as full and ample manner as the courts of the
5 United States can take cognizance of the same. And if any per-
6 son shall be sued for any thing done in pursuance of or in obe-
7 dience to this act, he may plead the general issue and give this
8 act in evidence, any thing in any law, custom, or usage, to the
9 contrary notwithstanding.